

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RYAN KERWIN,)	Civil Action No. 05-93E
)	
Plaintiff,)	Judge Sean J. McLaughlin
V.)	Mag. Judge Susan Paradise Baxter
)	
LT. WM McCONNELL,)	
)	
Defendant.)	Electronically filed.

**RESPONSE TO PLAINTIFF'S
[Docket # 78] MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the defendant, Lt. William McConnell, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Mariah L. Passarelli, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully submits the following response to Plaintiff's [Docket # 78] Motion for Summary Judgment:

1. Plaintiff, Ryan Kerwin, inmate number EZ-0246, is a *pro se* prisoner currently in the custody of the Pennsylvania Department of Corrections (DOC) in the State Correctional Institution at Albion.

2. Plaintiff has brought the instant action pursuant to 42 U.S.C. § 1983 against an individual employed by the DOC, Lieutenant William McConnell.

3. After a storied procedural odyssey, which need not be recounted here, defendant McConnell once again has a Motion for Summary Judgment pending before this Honorable Court. (See Docket # 73).

4. On January 9, 2007, Plaintiff filed a "Motion for Court to Enter Summary Judgment in Favor of the Non-Moving Party (Plaintiff)," with brief in support thereof. (See Doc. # 78-79).

5. In these documents, rather than setting forth grounds upon which summary judgment should be granted in his favor, Plaintiff simply cites to his previously-filed responses to Plaintiff's Motion for Summary Judgment. Id.

6. Accordingly, no response from defendant McConnell is necessary, and, moreover, is implicitly contained in defendant's pending [Doc. # 73] Motion for Summary Judgment.

WHEREFORE, Plaintiff's [Doc. # 78] Motion for Summary Judgment should be denied in favor of the defendant.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

BY: /s/ Mariah L. Passarelli
MARIAH L. PASSARELLI
Deputy Attorney General
PA I.D. No. 202469

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-3579

Date: January 16, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RYAN KERWIN,)
Plaintiff,) Civil Action No. 05-0093E
V.)
LT. WILLIAM McCONNELL,)
Defendant.)
Judge Sean J. McLaughlin
Mag. Judge Susan Paradise Baxter
Electronically Filed.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Response to Plaintiff's [Docket # 78] Motion for Summary Judgment** was electronically filed and served upon the following via first-class mail:

RYAN KERWIN
DZ-0246
SCI-Albion
10745 Route 18
Albion, PA 16475-0004

/s/ Mariah L. Passarelli
MARIAH L. PASSARELLI
Deputy Attorney General

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-3579

Date: January 16, 2007